

**Notice of Allowability**

Application No.

10/551,574

Examiner

SHAWQUIA YOUNG

Applicant(s)

COSFORD ET AL.

Art Unit

1626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on December 17, 2007.
2. ☒ The allowed claim(s) is/are 19-22, 24 and 25, now renumbered 1-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.  |

### **DETAILED ACTION**

Applicants have cancelled claims 13-18 and added new claims 19-25 in the amendments filed on December 17, 2007. The claims 19-22, 24 and 25 are considered allowable.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with J. Eric Thies on March 26, 2008.

2. The application has been amended as follows:

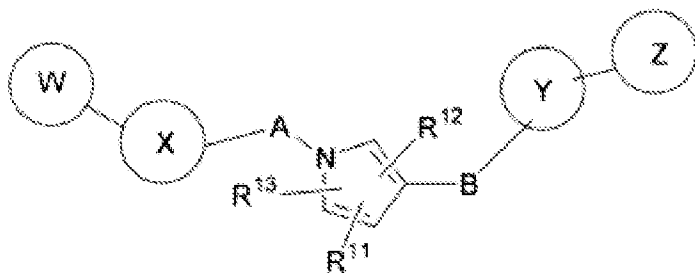
**Cancel** claim 23.

**Add** the term "and" before the compound "6-(3-pyridin-2-yl-1H-pyrrol-1-yl)-2,3'-bipyridine. (page 5, lines 24-25)

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The invention relates to a compound having the Formula



wherein X is phenyl optionally

substituted as in claim 19; R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> are each independently C<sub>0-6</sub>alkyl, -C<sub>3-7</sub>cycloalkyl, heteroaryl or aryl and any of which is optionally substituted as in claim 19; R<sup>4</sup> is C<sub>1-6</sub>alkyl, -C<sub>3-7</sub>cycloalkyl, heteroaryl or aryl, which is substituted as in claim 19; A is C<sub>0-4</sub>alkyl; W is C<sub>0-6</sub>alkylpyridyl which is optionally substituted as in claim 19; Y is pyridyl, wherein the N of the pyridyl is adjacent to the position of attachment to B and Y is optionally substituted as in claim 19; R<sup>5</sup>, R<sup>6</sup> and R<sup>7</sup> are each independently C<sub>0-6</sub>alkyl, -C<sub>3-7</sub>cycloalkyl, heteroaryl or aryl and any of which is optionally substituted as in claim 19; R<sup>8</sup> is C<sub>1-6</sub>alkyl, -C<sub>3-7</sub>cycloalkyl, heteroaryl or aryl and is optionally substituted as in claim 19; B is C<sub>0-4</sub>alkyl; R<sup>9</sup> and R<sup>10</sup> are each independently C<sub>0-6</sub>alkyl, -C<sub>3-7</sub>cycloalkyl, heteroaryl or aryl and any of which is optionally substituted as in claim 19; R<sup>11</sup>, R<sup>12</sup> and R<sup>13</sup> are each independently C<sub>0-6</sub>alkyl, C<sub>0-6</sub>alkoxyl, =O, =N(C<sub>0-4</sub>alkyl) or -N(C<sub>0-4</sub>alkyl)(C<sub>0-4</sub>alkyl), wherein optionally two of R<sup>11</sup>, R<sup>12</sup> and R<sup>13</sup> are combined to form a cycloalkyl, heterocycloalkyl, aryl or heteroaryl ring fused to the pyrrole moiety, wherein the C<sub>1-6</sub>alkyl substituent, cycloalkyl ring or heterocycloalkyl ring each optionally substituted as in claim 19; Z is absent and any N may be an N-oxide. The closest prior art is Cosford, et al (US 2005/0085514). The compound having the above Formula, wherein a C<sub>0-6</sub>alkyl-

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pyridyl group (variable W) is attached to variable X which is a phenyl ring, is neither taught nor suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawquia Young whose telephone number is 571-272-9043. The examiner can normally be reached on 6:00 AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawquia Young/

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